

November 12, 2002

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 2002, at 7:30 P.M. in the Council Chamber, City Hall, Bert Dodson, Jr., Vice President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Absent: Hutcherson	1

// Copies of the minutes of the October 29 (two meetings) and November 4, 2002 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Human Services - General, Resolution #R-02-189 appropriating \$130,175, fully reimbursable, for the continuation of the Welfare to Work Grant, laid over from the October 29, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of City Council, Resolution #R-02-191 appropriating \$350,000 from the FY 2002 fund balance to support the financing of Riverviews, laid over from the October 29, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Human Resources - General, Resolution #R-02-192 appropriating \$6,500 for the City's share of the cost for a consultant to perform a Request for Proposal for a Regional Health Coverage Initiative, laid over from the October 29, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Public Works - Sewer, Resolution #R-02-194 appropriating \$1,150,000 for the Combined Sewer Overflow (CSO) Control Projects, laid over from the October 29, 2002 meeting, was

again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Public Works - Sewer, Resolution #R-02-195 appropriating \$3,297,000 for Combined Sewer Overflow Control Project, and authorizing the City Manager to execute grant applications, agreements and other documents for a United States Environmental Protection Agency (USEPA) grand award, laid over from the October 29, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning – General/Subdivisions, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-02-198, as presented, approving the name change of an existing public street from “Peachtree Drive” to “Peachtree Road”:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Parks & Recreation - General, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-199, as presented, appropriating \$15,000 to complete the addition to the Cemetery Center at the Old City Cemetery:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Commonwealth Attorney, City Council Report #9 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-200, as presented, appropriating \$135,710, fully reimbursable, for the continuation of the office of the Commonwealth's Attorney Domestic Violence Prosecution Unit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Police – E-911, City Council Report #10 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and

November 12, 2002

laid over to a later meeting for final action Resolution #R-02-201, as presented, appropriating \$408,243 for an additional new 10 channel transmit site allied to the existing two-site simulcast system for the City's 800MHz radio system:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Public Works - Water, City Council Report #11 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-02-202, as presented, authorizing the City Manager to sign an agreement extending the water purchase agreement with the Bedford County Service Authority for one year:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of City Council, City Council Report #12 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote approved the Physical Development Committee guidelines:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of Holy Cross School and Tabor Retreat Center for a Conditional Use Permit at 2125 Langhorne Road to allow the construction of building additions and associated parking in an R-4, Multi-Family Residential District. Ms. Tracey Norvelle, Hurt & Proffitt, Inc., representing the petitioner, outlined the request and asked for approval. City Attorney Walter Erwin informed City Council that a revised Resolution was being presented to reflect the Planning Commission's recommendation with regard to condition #4. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-02-203, as revised, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #14 outlining the petition of Centra Health's Rivermont School for a Conditional Use Permit (CUP) at 1350 Liggates Road for the use of an existing structure for a Kindergarten – Twelfth Grade School in an R-2, Single-Family Residential District. Dr. Lloyd Tannenbaum, Director of Rivermont School, along with Dr. Beth Ackerman, Principal of Rivermont School, outlined the request and asked for approval. Dr. Tannenbaum explained that the students that attend Rivermont School are special education students

November 12, 2002

who have been referred by the public schools in order to participate in an alternative education program. Dr. Tannenbaum further explained that the students have not been expelled from the public schools or sent by the juvenile courts, but are students that simply function better in a nontraditional school environment. Two students attending Rivermont School, along with one neighborhood resident, spoke in support of the request. Mr. Ted Craddock, an attorney representing Fort Hill neighborhood residents, asked that City Council deny the petition citing the following concerns: the continued intrusion of a business use in a residential neighborhood, the negative impact on property values, and safety concerns of area residents from the potential disorderly conduct of students leaving the facility, especially in light of Police calls to the current Rivermont School facility. A large number of individuals stood in support of the denial of the petition. Three residents voiced similar concerns and asked that City Council deny the request. There was no one else present who wished to speak to this item. Several Council Members spoke in support of the petition citing the need for this type of facility, and the compatible use for this City-owned facility that would otherwise remain vacant. Council Member Garber stated that City Council needed to be more responsive to the concerns expressed by the residents of the neighborhood, and to protect the structural integrity of the residential character of this neighborhood by denying this request. Council Member Adams noted that City Council could repeal the CUP if the School becomes a nuisance to the neighborhood. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-02-204, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert	5
Noes: Garber	1
Absent: Hutcherson	1

// In the matter of Public Works - General, a public hearing was held regarding City Council Report #15 regarding the approval of a three year lease agreement between the City of Lynchburg and Centra Health/Rivermont School for lease of the Fort Hill School, 1350 Liggates Road, with provision of two one-year extensions. Dr. Lloyd Tannenbaum, Director of Rivermont School, outlined the request and asked for approval. There was no one else present who wished to speak to this item. At the request of Vice Mayor Dodson, Parks and Recreation Director Kay Frazier outlined potential future recreational uses for the facility. Council Member Seiffert stated that he would like the City to conduct a market analysis to determine if the lease's current rate is adequate. City Manager Kimball Payne stated that a market analysis could be done within a short period of time. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote postponed until the December 10 meeting a decision on the lease agreement between the City of Lynchburg and Centra Health/Rivermont School for lease of the Fort Hill School:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert	5
Noes: Garber	1
Absent: Hutcherson	1

November 12, 2002

// In the matter of Public Works - General, a public hearing was held regarding City Council Report #16 regarding the proposed sale and conveyance of the following City-owned properties located in the Pleasant Valley/Tyreeanna Neighborhood in the vicinity of the landfill and Wastewater Treatment Plant: (1) House and 1.565 acre lot located at 5111 Richmond Highway; and (2) House and 1.869 acre lot located at 5119 Richmond Highway. Solid Waste Director Dave Owen outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-205, as presented, approving the proposed sale and conveyance of the following City-owned properties located in the Pleasant Valley/Tyreeanna Neighborhood in the vicinity of the landfill and Wastewater Treatment Plant: (1) House and 1.565 acre lot located at 5111 Richmond Highway; and (2) House and 1.869 acre lot located at 5119 Richmond Highway:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Budget, a public hearing was held regarding City Council Report #17 regarding amending the FY 2003 Operating Budgets for the General, Water, Sewer, Airport, Detention Home, City/Federal State Aid and Fleet Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2002, to appropriate funds for a grant, and other necessary expenditures since the FY 2003 budget was adopted. Deputy City Manager Bonnie Svrcek outlined the request. City Manager Kimball Payne presented proposed changes to the Ordinance to reflect funding of the Public Works Associates program. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting Ordinance #O-02-206, as amended, amending the FY 2003 Operating Budgets for the General, Water, Sewer, Airport, Detention Home, City/Federal State Aid and Fleet Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2002, to appropriate funds for a grant, and other necessary expenditures since the FY 2003 budget was adopted:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Airport - General, a public hearing was held regarding City Council Report #18 regarding authorizing the execution of a temporary lease and a permanent lease between the City of Lynchburg and the General Services Administration (GSA) for office space at the Lynchburg Regional Airport for Transportation Security Administration (TSA) personnel assigned to the Airport. Airport Manager Mark Courtney outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-02-207, as presented, authorizing the execution of a temporary

November 12, 2002

lease and a permanent lease between the City of Lynchburg and the General Services Administration (GSA) for office space at the Lynchburg Regional Airport for Transportation Security Administration (TSA) personnel assigned to the Airport:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Airport - General, City Council Report #19 was considered. Airport Manager Mark Courtney outlined the request. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-208, as presented, appropriating \$58,000 for construction of office space to lease to the General Services Administration and to expand the vending and waiting area at the Airport:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of City Code, City Council Report #20 was considered. City Attorney Walter Erwin outlined the request. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #0-02-209, as presented, amending the City Code by adding thereto a new section numbered 23.1-13, relating to itinerant dealers in precious metals and gems:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Public Works - Water, City Council Report #21 regarding the purchase of 2.9969 acres of real property including improvements located on Concord Turnpike adjacent to the Wastewater Treatment Plant was considered. Assistant Director of Utilities Tim Mitchell outlined the request. City Manager Kimball Payne presented an amendment to the Resolution to authorize the realignment of the remaining funds from existing completed capital projects to purchase the property in the amount of \$200,000. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-02-210, as revised, supporting the purchase of 2.9969 acres of real property including improvements located on Concord Turnpike adjacent to the Wastewater Treatment Plant, and authorizing the realignment of the remaining funds from existing completed capital projects to purchase the property in the amount of \$200,000:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Courts - General, City Council Report #22 regarding appropriating \$25,000 for the removal of the bas relief sculpture in the lobby of the Circuit Court was considered. City Manager Kimball Payne explained that after discussion with the Circuit Court Judges, the recommendation would be to

November 12, 2002

remove the bas relief sculpture and to purchase/install the seal of the Commonwealth at this location at a much lower cost. Mr. Phil Theisen voiced support for the removal of the sculpture and also requested that the mural in the Juvenile & Domestic Relations District Court be covered with an American flag. Mr. Theisen also supported establishing an artwork committee to address concerns regarding artwork in municipal facilities. Council Member Garber stated that the sculpture needed to be removed immediately, while Vice Mayor Dodson voiced support for allowing the City Manager to determine the timing of the removal of the sculpture. On motion of Council Member Garber, seconded by Council Member Barksdale, Council by the following recorded vote directed staff to immediately remove the bas relief sculpture from the lobby of the Circuit Court:

Ayes: Barksdale, Foster, Garber, Seiffert	4
Noes: Adams, Dodson	2
Absent: Hutcherson	1

On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-211, as revised, appropriating \$10,000 to purchase and install the seal of the Commonwealth and to either patch or cover the holes following removal of the bas relief sculpture in the lobby of the Circuit Court:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert	5
Noes: Adams	1
Absent: Hutcherson	1

// On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote elected to hold a closed meeting as permitted by Virginia Code Section 2.2-3711(A)(1) for discussion of the job performance of a specific City employee:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// The meeting was re-opened to the public.

// Council Member Adams made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

November 12, 2002

The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// City Manager Kimball Payne informed City Council of a press conference scheduled for November 18, at 9:00 a.m., to announce the appointment of the new Special Assistant to the Mayor for Safe Neighborhoods.

Council Member Adams informed of a recent discussion with a citizen concerning an agenda item.

// The meeting was recessed at 11:40 P.M. to November 26, at 12:00 Noon, to tour the Academy of Music Theatre prior to convening a work session to discuss several items.

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Clerk of Council



November 26, 2002

// A special meeting of the Council of the City of Lynchburg, recessed from November 12, was held on the 26th day of November, 2002, at 12:00 Noon, in the Second Floor Training Room, City Hall, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Absent: Hutcherson	1

// Prior to beginning the work session, City Council and staff took a tour of the Academy of Music Theatre. Following the tour, Council returned at 1:00 p.m. to the Second Floor Training Room in City Hall to continue with the work session.

// Director of Streets Tom Wilson along with Laurence Bryant, of McBride Sign Company, provided additional information regarding a proposal for the installation of 18 metal panel American flag signs on 10 City bridges along the Lynchburg Expressway. Mr. Wilson explained that the flags could be installed by municipal personnel at a cost of \$80 each via funding from the Streets Division operating budget. Mr. Wilson further explained that it is estimated that the panel flags would last 3 to 5 years, that municipal personnel would remove them when they become faded and worn, and that the signs would not be replaced unless additional contributors were found to cover the replacement costs for the signs. Although expressing support for the project, some Council Members thought the installation costs should also be funded through private donations. Council Member Adams made a motion to endorse the project, to offer the use of municipal personnel to install the signs, but to request that the installation costs be funded through private donations. The motion was seconded by Council Member Garber, and Council by the following recorded vote defeated the motion:

Ayes: Adams, Garber, Seiffert	3
Noes: Barksdale, Dodson, Foster	3
Absent: Hutcherson	1

Council Member Garber made a motion to endorse the project, to offer the use of municipal personnel to install the signs, and to fund the installation costs from the Streets Division operating budget. The motion was seconded by Council Member Barksdale, and Council by the following recorded vote approved the motion:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert	5
Noes: Adams	1
Absent: Hutcherson	1

// Region 2000 Regional Commission Executive Director Bill Gillespie requested City Council's support and endorsement of a resolution adopted by the Commission on October 17 that supports tax reform. Mr. Gillespie also requested that City Council convey to area legislators at their December 5 meeting City Council's support and endorsement of this resolution. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote agreed to support and

November 26, 2002

endorse the resolution adopted by the Region 2000 Regional Commission that supports tax reform and to include discussion of such resolution with area legislators at the December 5 meeting:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// Legislative Liaison Linda McMinimy provided a brief overview regarding the proposed 2003 Legislative Agenda, as previously furnished to City Council. Ms. McMinimy explained that direction was needed from City Council regarding the revisions that were included in the draft agenda following input from various Council members. City Council focused its discussion on the revisions to the proposed legislative agenda, and reached consensus on those items to include in the final agenda. During discussion regarding whether or not to delete the section that would amend the statewide mandatory seat belt law, Council Member Foster made a motion, seconded by Council Member Barksdale, to keep this section in the proposed agenda, and Council by the following recorded vote defeated the motion:

Ayes: Barksdale, Dodson, Foster	3
Noes: Adams, Garber, Seiffert	3
Absent: Hutcherson	1

During discussion regarding whether or not to delete the section that would support state incentives to encourage students to consider teaching as a career and to keep teachers trained in Virginia colleges in the Commonwealth, Council Member Foster made a motion, seconded by Vice Mayor Dodson, to keep this section in the proposed agenda, and Council by the following recorded vote defeated the motion:

Ayes: Barksdale, Dodson, Foster	3
Noes: Adams, Garber, Seiffert	3
Absent: Hutcherson	1

On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the proposed 2003 Legislative Agenda:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert	5
Noes: Foster	1
Absent: Hutcherson	1

// Deputy City Manager Bonnie Svrcek provided an overview of options with regard to the Not-for-Profit Policy, as adopted by City Council on November 9, 1999. City Manager Kimball Payne explained that the policy had never been implemented due to financial constraints, and that staff needed direction regarding the most appropriate approach for considering not-for-profit funding requests for future budget cycles. Representatives from several non-profit agencies asked that City Council continue to fund those agencies that were grandfathered in the budget process prior to the adoption of the policy. City Manager Payne stated that his preference would be to eliminate the policy and not make any changes at this time to the list of agencies currently being considered for funding through the annual

November 26, 2002

budget process. Council Member Foster stated that she would abstain from any vote taken on this matter in that the Alliance for Families & Children receives funding from the City. Council Member Adams made a motion, seconded by Council Member Garber, to rescind the Not-for-Profit Policy and not make any changes to the list of agencies that were grandfathered in the annual budget process prior to the adoption of the policy, and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert	5
Noes:	0
Absent: Hutcherson	1
Abstention: Foster	1

// City Assessor Greg Daniels provided an overview of proposed changes to the City Code that would improve the quality of the rehabilitated structure tax exemption program. City Council asked that this item be scheduled for a future meeting for formal consideration.

// Building Commissioner Karl Cooler provided an overview regarding changing the City's building fees from a square foot basis to a value based system, and to institute a plan review fee in order to fund a plan reviewer position. Mr. Cooler explained that by providing an accurate method of basing fees on cost of construction would increase the City's revenues, and that adding a plan review fee of 10% of the building permit fee would provide funding for the plan reviewer position. City Council asked that a public hearing be scheduled regarding this item at a future meeting.

// City Manager Kimball Payne presented information regarding a proposed amendment to the City Code to allow the temporary banning of fireworks, explaining that the ordinance would authorize the City Manager, or the Deputy City Manager in the absence of the City Manager, when requested by the Fire Marshal, to issue a ban on the use of all fireworks as defined by paragraph (b) of the proposed ordinance. Mr. Payne went on to say that some of the circumstances or conditions that would prompt a request for a ban would include, but not be limited to, severe drought conditions, severe air pollution conditions, times of civil unrest, extreme fire danger, disruption of water supply, high activity levels or long term commitments of firefighting resources resulting in a long response time or the unavailability of sufficient resources to respond to incidents. During the discussion of this item, City Council asked that language be deleted from the proposed amendment regarding the "sale, display, or use" of fireworks. Mr. Payne noted that this item would be scheduled for formal consideration at a future meeting.

// City Council agreed to schedule further discussion of proposed changes to the Solid Waste Program at the December 10 work session.

// During roll call, Council Member Foster requested information regarding the City's policy with regard to the burning of leaves in the City. Council Member Seiffert stated that he had not received all of the information he had requested regarding the gang activity within the City. Council Member Garber requested that the trash be picked up on Jewell Street, and asked that the leaves along the parade route be removed prior to the Christmas parade. Council Member Barksdale stated that the Code Enforcement Committee needed to address the dump area in the vicinity of DeWitt, Carter and Price

November 26, 2002

Streets. Vice Mayor Dodson questioned if Community Development Block Grant funds could be used for signage in the Downtown and Historic Districts.

// The meeting was adjourned at 4:40 p.m.

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Clerk of Council

November 26, 2002

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of November, 2002, at 5:00 P.M. in the Council Chamber, City Hall, Bert Dodson, Jr., Vice President, presiding. Council Member Barksdale gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Absent: Hutcherson	1

// Copies of the minutes of the November 5, 2002 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Parks & Recreation - General, Resolution #R-02-199 appropriating \$15,000 to complete the addition to the Cemetery Center at the Old City Cemetery, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Commonwealth Attorney, Resolution #R-02-200 appropriating \$135,710, fully reimbursable, for the continuation of the office of the Commonwealth's Attorney Domestic Violence Prosecution Unit, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Police – E-911, Resolution #R-02-201 appropriating \$408,243 for an additional new 10 channel transmit site allied to the existing two-site simulcast system for the City's 800MHz radio system, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Public Works - General, Resolution #R-02-205 approving the proposed sale and conveyance of the following City-owned properties located in the Pleasant Valley/Tyreeanna

November 26, 2002

Neighborhood in the vicinity of the landfill and Wastewater Treatment Plant: (1) House and 1.565 acre lot located at 5111 Richmond Highway; and (2) House and 1.869 acre lot located at 5119 Richmond Highway, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Budget, revised Ordinance #O-02-206 amending the FY 2003 Operating Budgets for the General, Water, Sewer, Airport, Detention Home, City/Federal State Aid and Fleet Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2002, to appropriate funds for a grant, and other necessary expenditures since the FY 2003 budget was adopted, laid over from the November 12, 2002 meeting, was again presented and read. Deputy City Manager Bonnie Svrcek noted that further changes have been made to the ordinance to reflect additional changes since the November 12 public hearing as delineated in the Council report. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Ordinance:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Airport - General, Resolution #R-02-208 appropriating \$58,000 for construction of office space to lease to the General Services Administration and to expand the vending and waiting area at the Airport, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Fire - General, City Council Report #8 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-212, as presented, appropriating \$87,475, fully reimbursable, to assist in the purchase of protective clothing/ equipment and to support various fire program/activities within the Fire and EMS Department:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert	6
Noes:	0
Absent: Hutcherson	1

// In the matter of Industrial Development Authority, City Council Report #9 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote

November 26, 2002

adopted Resolution #R-02-213, as presented, authorizing Lynchburg Industrial Development Authority issuance of \$1,000,000 industrial development revenue refunding bonds to The Kroger Company:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #10 regarding introducing a Resolution approving the proposed sale and conveyance of 1703 Grace Street to Central City Homes, L.P., a Virginia partnership, for the sum of \$41,000. Administrative and Grants Coordinator Melva Walker outlined the request. Lynchburg Neighborhood Development Foundation (LNDF) Executive Director Laura Dupuy spoke in support of the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to another meeting Resolution #R-02-214, as presented, approving the proposed sale and conveyance of 1703 Grace Street to Central City Homes, L.P., a Virginia partnership, for the sum of \$41,000:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Noes: 0

Absent: Hutcherson 1

// In the matter of Public Works - General, City Council Report #11 regarding proposed rules and fees for fishing the Pedlar Reservoir was considered. Utilities Director Stephen Bontrager provided an overview regarding the proposed rules and regulations. Council Member Foster objected to the fact that the City boats now allowed on the reservoir have gasoline-powered as well as electric motors. Ms. Foster explained that she has heard from citizens concerned that gasoline motors could pollute the reservoir. Following discussion, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-02-215, as presented, adopting proposed rules and fees for fishing the Pedlar Reservoir:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert 5

Noes: Foster 1

Absent: Hutcherson 1

// In the matter of Circuit Court, Resolution #R-02-211 appropriating \$10,000 to purchase and install the seal of the Commonwealth and to either patch or cover the holes following the removal of the bas relief sculpture in the lobby of the Circuit Court, laid over from the November 12, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert 5

Noes: Adams 1

Absent: Hutcherson 1

November 26, 2002

// The meeting was recessed at 5:17 P.M. to December 10, at 1:00 P.M. to conduct a work session regarding several items.

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Clerk of Council



December 10, 2002

// A special meeting of the Council of the City of Lynchburg, recessed from November 26, was held on the 10th day of December, 2002, at 1:00 P.M., in the Second Floor Training Room, City Hall, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Absent: Hutcherson 1

// Representatives from Keating Development Corporation provided an overview regarding the new Federal Courthouse Project. Several Council Members commented that the developer needed to develop the project in a way that would compliment the existing facility and that would blend in with the character of the historic district.

// Mr. Frank Britt, former President of Sister City Plus, offered to serve as a volunteer liaison between the City and the Sister Cities that Lynchburg has formed a relationship with over the past several years. Mr. Britt explained that there would be no monetary commitment by the City for this appointment. Some Council Members stated that they did not see the need for such a position and that it might lead to an expectation of financial support from the City for the program. Council Member Seiffert stated that he would abstain from any vote taken on this matter since he is a member of Sister City Plus. On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote appointed Frank C. Britt to serve as the Sister City Liaison between the City and its Sister Cities:

Ayes: Barksdale, Dodson, Foster 3

Noes: Adams, Garber 2

Absent: Hutcherson 1

Abstention: Seiffert 1

// Mr. Jim Sari of Landmark Assets, Inc., outlined a proposal for a Low Income Housing Tax Credit Program project for the old Craddock Terry Shoe Company building at the corner of 12<sup>th</sup> Street and Campbell Avenue. Mr. Sari explained that he is proposing an \$8 million project that will convert the approximately 100,000 square foot building into 96 apartments, with fair market rents ranging from \$350/month for the 1 bedroom units to \$500/month for the 3 bedroom units. Mr. Sari stated that he is seeking a letter of acknowledgement and support from the City in addition to support for the rezoning of the property. Several Council Members suggested that this would not be the most appropriate use for the property, in addition to concerns regarding such a large concentration of additional low housing units in the City. City Council expressed no interest in the project.

// Mayor Hutcherson arrived at 3:10 p.m. during discussion of agenda item #3.

// Public Works Director Bruce McNabb along with Solid Waste Director Dave Owen provided additional information regarding various solid waste management issues. Council Member Garber suggested a \$5 a month flat fee on the water bill in order to ensure that everyone contributes and cut down on the amount of illegal dumping. Council Member Adams commented that the \$5 fee might be an

December 10, 2002

administrative-type fee to help offset the cost of the service in addition to the purchase of either trash tags or a decal to fully cover the cost of service. Staff questioned the durability and cost-effectiveness of maintaining a dual system. City Manager Kimball Payne suggested that City Council first determine if the City should provide manual or semi-automated trash collection. Council Member Seiffert expressed a concern regarding the City purchasing the trash cans in order to implement a semi-automated trash collection program. Following discussion and after reviewing the advantages and disadvantages of both options, Council Member Adams made a motion, seconded by Vice Mayor Dodson, to implement a semi-automated trash collection program, and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: Seiffert 1

Council members discussed whether or not to continue with the discounted rates for the low income/disadvantaged, elderly on tax relief, and Pleasant Valley/Tyreeanna Neighborhood. Council Member Seiffert stated that since the City has met its obligation with the installation of the odor control facility at the Wastewater Treatment Plant, that he would make a motion that the Pleasant Valley/Tyreeanna Neighborhood pay 50% of the market rate for this service. Several Council Members commented that the new odor control facility has not controlled the odor and that the residents should continue to receive the free trash collection. Staff also expressed concerns regarding creating a dual payment system. Council Member Seiffert withdrew his motion.

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to continue with all of the current residential discounts. Council Member Garber made a substitute motion, seconded by Council Member Adams, to consider each of the discounts separately. The vote was called on the substitute motion, and Council by the following recorded vote approved the substitute motion:

Ayes: Adams, Foster, Garber, Seiffert, Hutcherson 5

Noes: Barksdale, Dodson 2

Council Member Seiffert made a motion that the low income/disadvantaged pay one-half of the market rate for trash collection. The motion died for lack of a second.

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to retain the residential discount for the low income/disadvantaged. Council Member Garber made a substitute motion to require the low income/disadvantaged to pay the full price for trash collection. There was no second to the motion. The vote was called on the original motion, and Council by the following recorded vote agreed to retain the residential discount for the low income/disadvantaged:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

Vice Mayor Dodson made a motion, seconded by Council Member Foster, to retain the residential discount for the Elderly on Tax Relief, and Council by the following recorded vote approved the motion:

Ayes: Barksdale, Dodson, Foster, Garber, Hutcherson 5

Noes: Adams, Seiffert 2



December 10, 2002

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to retain the residential discount for the Pleasant Valley/Tyreeanna Neighborhood, and Council by the following recorded vote approved the motion:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

Council Member Barksdale made a motion to continue with the current system to allow one residential free monthly trip to the landfill. The motion died for lack of a second.

Council Member Adams made a motion, seconded by Council Member Foster, to allow unlimited free trips to the landfill for City residents for bulk and brush disposal, and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

Council Member Seiffert made a motion, seconded by Vice Mayor Dodson, to continue the current system of allowing City residents one free trip per month to the landfill for disposal of garbage but with a reduced monthly maximum tonnage of 250 pounds, and Council by the following recorded vote approved the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

Council Member Seiffert made a motion, seconded by Council Member Adams, to include in the Solid Waste budget the revenue from the sale of recyclables now dedicated to the reforestation of the City's street right-of-ways, and Council by the following recorded vote defeated the motion:

Ayes: Adams, Seiffert 2

Noes: Barksdale, Dodson, Foster, Garber, Hutcherson 5

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to use \$1.3 million in the Solid Waste Fund Balance to cover the cost of the conversion from manual to semi-automated refuse collection, and Council by the following recorded vote approved the motion:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

Council asked that staff explore a dual revenue system, i.e., fixed rate and tags or increase in the cost for the tags/decals, and to bring option back to City Council in January. Council also asked that staff bring to the work session the various sizes of cans for use with the semi-automated trash collection system.

// Mr. Bill Allen, from Versar, Inc., the architectural firm selected to design the Monument Terrace Steps Renovation project, provided an update regarding the project, including a proposed timeline for completion of the project. Mr. Allen explained that today's update provides an opportunity for City Council input regarding the final design of the project.

// Parks & Recreation Director Kay Frazier provided an overview regarding information contained in a report previously furnished to City Council regarding the Parks and Recreation Master Plan. Ms. Frazier



December 10, 2002

explained that the report includes information regarding the progress made since the development of the ten-year plan, and proposed criteria and recommendations for future capital projects.

// Parks and Recreation Director Kay Frazier along with Mort Sajadian, representing Amazement Square, presented an overview regarding a proposal to design and construct a skatepark adjacent to the signal tower building in partnership with Amazement Square. Following discussion, and on motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote endorsed the staff's recommendation to proceed with the proposal by drafting a Memorandum of Understanding and beginning the process to transfer the property adjacent to the signal tower building to Amazement Square:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Attorney Walter Erwin explained that during the October 9 public hearing, City Council suggested that the City simply require citizens to give the Police Department prior notice that they were planning to hold an assembly, demonstration or parade on public property rather than requiring citizens to obtain a permit from the Police Department for such activities. Mr. Erwin went on to say that an alternative ordinance has been drafted that would require citizens to give the Police Department five (5) days oral or written notice before holding an assembly, demonstration or parade on public property. Major Jack Lewis, Lynchburg Police Department, explained the Department's rationale for preferring a permit process rather than receiving notice from citizens that they were planning to hold an assembly, demonstration or parade on public property. City Council discussed the original ordinance requiring a permit and the alternative ordinance requiring the giving of notice, and asked that the original ordinance requiring a permit from the Police Department before holding an assembly, demonstration or parade on public property be placed on the January 14 agenda for further discussion.

// City Manager Kimball Payne provided an update regarding a proposed lease with Rivermont School/Centra Health for the Fort Hill School Building. Mr. Payne explained that this item is scheduled for the 7:30 p.m. meeting for formal action.

// During roll call, Council Member Garber recommended that the mural in the Juvenile & Domestic Relations District Court be covered with an American flag and seal of the Commonwealth. Mr. Garber distributed a rendering of the American flag and seal enclosed in a wooden case that he had made at no cost to the City. Council Member Adams expressed concern regarding the amount of time City Council has spent discussing this matter in light of the more serious issues that need to be addressed, and voiced support for the solution offered by Mr. Garber in that covering the mural would not damage the artwork and the flag/seal could be removed at a future date when the Court vacates the building. Council Member Seiffert commented that removal or covering of the artwork might undermine the contributions of African-Americans to this community and he would like to receive more input from the community. Council Member Barksdale reiterated his earlier concern that the mural did not belong in a Court of law and that it belonged in a museum. Council Member Foster stated that after giving this

December 10, 2002

matter a great deal of thought, she feels that to cover the mural would only be a "quick-fix" and that it would not address the underlying tension in the community. Ms. Foster went on to say that it might even create a whole new problem with individuals who would view the covering of the mural as censorship. Ms. Foster recommended that City Council form a Bi-racial Commission to study this matter and make a recommendation to City Council regarding the disposition of the mural. Ms. Foster further explained that the Commission needed to include good representation from the community with differing viewpoints. Vice Mayor Dodson agreed with Council Member Foster's comments and expressed support for her recommendation. Council Member Adams stated that it would be difficult for such a Commission to find common ground on a symbolic issue. Council Member Garber made a motion, seconded by Council Member Barksdale, to cover the mural in the Juvenile & Domestic Relations District Court with an American flag and seal of the Commonwealth. Vice Mayor Dodson made a substitute motion, seconded by Council Member Foster, to create a Bi-racial Commission to include representation of individuals from within this community with differing viewpoints to study and make a recommendation to City Council regarding the disposition of the mural, and Council by the following recorded vote defeated the substitute motion:

Ayes: Dodson, Foster, Seiffert 3

Noes: Adams, Barksdale, Garber, Hutcherson 4

The vote was called on the original motion, and Council by the following recorded vote approved the motion to cover the mural in the Juvenile & Domestic Relations District Court with an American Flag and seal of the Commonwealth enclosed in a wooden case:

Ayes: Adams, Barksdale, Garber, Hutcherson 4

Noes: Dodson, Foster, Seiffert 3

In other roll call items, Council Member Adams stated that he received a suggestion from an individual for the City to do away with garbage collection and install dumpsters. Mr. Adams also noted that he received telephone calls concerning streets in the Princeton Circle Apartments vicinity not being plowed during the recent snowfall. Council Member Barksdale asked that City Council consider during the upcoming budget discussions the reinstatement of funds in order to send representatives of the Mayor's Youth Council to the National League of Cities conferences. Council Member Foster stated that she received two calls from citizens whose garbage was not collected because they did not know about the change in the collection date during the Thanksgiving Day holiday. Ms. Foster suggested that date changes be placed a month in advance in the water bills. Ms. Foster also stated that she received a call stating that streets in the vicinity of Lansing Avenue are never plowed during snowfalls.

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting to discuss appointments to Council-appointed Boards and Commissions and for consultation with legal counsel and briefings by staff members regarding a specific legal matter involving the negotiation of a lease which requires the provision of legal

December 10, 2002

advice pursuant to Section 2.2-3711(A)(1) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Garber, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Adams, Council by the following recorded vote appointed Ivorie Glass and Colin McLaren to serve as Student Members on the Youth Services Citizens Board for terms to expire June 30, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed James H. Mundy to fill an unexpired term on the Central Virginia Community College Board ending June 30, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed William A. Burns to fill an unexpired term on the Board of Building Code Appeals ending September 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed Shanda Rowe to serve on the Community Development Advisory Committee for a term to expire December 31, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0



December 10, 2002

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Aubrey Barbour, Herman Calhoun, Grace Dean, John H. Hughes, III, Vice Mayor Bert Dodson, Jr., Chair, and Council Member Joseph Seiffert, Vice Chair, to serve on the Community Development Advisory Committee for terms to expire December 31, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Wayne Dahlgren, Kelvin Moore, and Ray Pulliam to serve on the Planning Commission for terms to expire December 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Council Member Joan Foster to serve on the Community Services Board for a term to expire December 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Charles S. Nowlin, Jr., to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote appointed Donald Banker to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Keith Wright to serve on the Disability Services Board for a term to expire October 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Maynard Jones to serve on the Design Review Board for a term to expire December 31, 2005:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// City Council agreed that a term of office for the Sister City Liaison should be for three years ending in the month of December.

// The meeting was adjourned at 7:15 p.m.

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Clerk of Council

December 10, 2002

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of December, 2002, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson announced that City Council in its earlier work session voted to cover the mural in the Juvenile & Domestic Relations District Court with an American flag.

// In the matter of Fire - General, Resolution #R-02-212 appropriating \$87,475, fully reimbursable, to assist in the purchase of protective clothing/ equipment and to support various fire program/activities within the Fire and EMS Department, laid over from the November 26, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R-02-214 approving the proposed sale and conveyance of 1703 Grace Street to Central City Homes, L.P., a Virginia partnership, for the sum of \$41,000, laid over from the November 26 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Schools - General, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-02-216, as presented, approving the application by the Lynchburg School Board for a \$7,500,000 State Literary Loan to finance renovations/construction at E. C. Glass High School:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #4 was considered. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-02-217, as presented, appropriating \$356,630, fully reimbursable, for the Lead-based Paint Hazard Control Grant Program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #5 was considered. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-02-218, as presented, authorizing the City Manager to execute contracts to construct the

December 10, 2002

water line project entitled "Route 460 East Waterline" generally located along Route 460 East from Candler's Mountain Road east to the City of Lynchburg/Campbell County line:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Water, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-02-219, as presented, authorizing the City Manager to execute the construction contract for the Flocculator Replacement Project located at the College Hill Water Treatment Plant:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-02-220, as presented, authorizing the reimbursement of \$35,960.40 to Rock Castle Partners for the construction of Leroy Bowen Drive:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Centra Health, Inc., for a Conditional Use Permit for the Bridges Treatment Center at 693 Leesville Road to amend the existing Master Development Plan to allow the temporary retention of an existing modular classroom, the construction of additional cottage/classroom space, and the construction of a nature walk on the existing campus in an R-4, Multi-Family Residential District. Mr. Bill Gorman, Director of Bridges Treatment Center, outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-02-221, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #9 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 2301 Campbell Avenue under Section 36-19.5 of the Code of Virginia. Ms. Connie Snavelly, representing LRHA, outlined the request and asked for approval. Mr. Robert Farmer stated that plans are to begin addressing the code violations and deficiencies once ownership of the property has been determined. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-02-222, as presented, approving the request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 2301 Campbell Avenue under Section 36-19.5 of the Code of Virginia:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes:

0

December 10, 2002

// In the matter of Public Works - Vacation, a public hearing was held regarding City Council Report #10 regarding the vacation of an 8-inch sanitary sewer easement located in the Stonemill Subdivision. Mr. Mike Gambone, the City's Right-of-Way Agent, outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-02-223, as presented, vacating an 8-inch sanitary sewer easement located in the Stonemill Subdivision:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Vacation, a public hearing was held regarding City Council Report #11 regarding the vacation of a portion of right-of-way at the corner of Clay and Twelfth Streets and the donation of any residual interest in this right-of-way to the Lynchburg Redevelopment and Housing Authority. Mr. Neal Wright, from Hurt & Proffitt, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #O-02-224, as presented, vacating a portion of right-of-way at the corner of Clay and Twelfth Streets and donating any residual interest the City might have in this right-of-way to the Lynchburg Redevelopment and Housing Authority:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, a public hearing was held to receive citizen input regarding the annual housing and non-housing goals for the 2000-2005 Community Development Consolidated Plan. Administrative and Grants Coordinator Melva Walker provided a brief presentation. There was no one else present who wished to speak to this item. No action was required by City Council.

// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #13 regarding amending the provisions of the Subdivision Ordinance (Section 24.1 of the City Code) to require that address assignments for newly created lots be indicated on the final subdivision plat, and to require that final subdivision plats of five (5) lots or more be submitted in a digital format if prepared using Computer Aided Design (CAD) or comparable software. City Planner Tom Martin provided an overview regarding the proposed changes to the Subdivision Ordinance. Mr. Doyle Allen, of Hurt & Proffitt, Inc., complimented the City's Planning staff on moving forward with this endeavor. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #O-02-225, as presented, amending the provisions of the Subdivision Ordinance (Section 24.1 of the City Code) to require that address assignments for newly created lots be indicated on the final subdivision plat, and to require that final subdivision plats of five (5) lots or more be submitted in a digital format if prepared using Computer Aided Design (CAD) or comparable software:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0



December 10, 2002

// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #14 regarding amending the provisions of the Zoning Ordinance (Section 35.1-17, Amendments, Section 35.1-19, Public Hearings, Section 35.1-37, Central Business District, and Section 35.1-38.1, Riverfront Business District) to require property owner notifications be mailed by first class mail instead of the current requirement of certified mail, with cost of first class mailing to be billed to the petitioner at the current postal rate. Community Planning Director Rachel Flynn outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Seiffert, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #O-02-226, as presented, amending the provisions of the Zoning Ordinance (Section 35.1-17, Amendments, Section 35.1-19, Public Hearings, Section 35.1-37, Central Business District, and Section 35.1-38.1, Riverfront Business District) to require property owner notifications be mailed by first class mail instead of the current requirement of certified mail, with cost of first class mailing to be billed to the petitioner at the current postal rate:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #15 regarding amending the provisions of the Zoning Ordinance (Section 35.1-12.1, Applicant to Pay Delinquent Taxes) to include land disturbing permits, building permits, and erosion and sediment control permits. Community Planning Director Rachel Flynn outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-02-227, as presented, amending the provisions of the Zoning Ordinance (Section 35.1-12.1, Applicant to Pay Delinquent Taxes) to include land disturbing permits, building permits, and erosion and sediment control permits:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Bonds, a public hearing was held regarding City Council Report #16 regarding the issuance of \$16,745,000 of General Obligation Public Improvement Bonds. Financial Services Director Mike Hill outlined the request. There was no one else present who wished to speak to this item.

On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-02-228, as presented, authorizing the issuance of an amount not to exceed \$41,745,000 principal amount of General Obligation Public Improvement and Refunding Bonds of the City:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action adopted Resolution #R-02-229,

December 10, 2002

as presented, appropriating \$130,000 for the issuance costs associated with the issuance of \$40,865,000 General Obligation and Refunding Bonds of the City:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson announced that he noticed that Mr. Clyde Clark had left the meeting once learning that City Council had addressed at its earlier work session the request he had been planning to make to City Council, that being the removal or covering of the mural in the Juvenile & Domestic Relations District Court.

// In the matter of Public Works - Landfill, Mr. Ronald Hamler expressed concern regarding the increase in the elevation of the current landfill. City Council referred this matter to the Physical Development Committee for review.

// In the matter of Public Works - General, a proposed lease agreement between the City of Lynchburg and Centra Health/Rivermont School for lease of the Fort Hill School, 1350 Liggates Road was again presented. City Manager Kimball Payne explained that following the November 12 public hearing, the City Assessor did a market evaluation on this property and that the lease before City Council incorporates an increase in the annual rent for this property based on that evaluation. Mr. Payne also noted that the term of the lease would be for 2 years with provisions for 2 automatic two-year renewals for a total of 6 years. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-02-230, as presented, approving a lease with Rivermont School, a division of Centra Health, for the former Fort Hill Elementary School building:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 8:16 P.M. to December 11, at 7:30 A.M., at the School Administration Building, to jointly meet with the Lynchburg School Board and present the City's and Schools' 2003 Legislative Priorities to area legislators.

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Clerk of Council



December 11, 2002

// A special meeting of the Council of the City of Lynchburg, recessed from December 10, was held on the 11th day of December, 2002, at 7:30 A.M., at the School Administration Building, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was for the City Council and School Board to present the City's and Schools' 2003 Legislative Priorities to area legislators. The following Members were present:

Present: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

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Absent: Dodson

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// Mayor Hutcherson along with School Board Chair Lyle Schweitzer welcomed Senator Stephen Newman to the meeting. Senator Newman mentioned that he has been selected to be the Chair of the Senate Public Education Subcommittee, and that he does not think that the General Assembly will alter the state funding formula this year. Senator Newman went on to say that changing the state funding formula for public schools could result in less money for Lynchburg. School Board members asked Senator Newman to investigate ways to legally require parents to be involved with their child's education and behavior at school, such as attending conferences. Board Member Charles Hooks suggested withholding benefits, such as food stamps and other social services from parents who neglect their child's education. Council and School Board members informed Senator Newman that they do not want Richmond to micro-manage how they provide services, and to reduce the amount of unfunded mandates the state places on localities. Discussion also focused on tax restructuring and the latest discussions from a joint legislative committee reviewing the tax structure. In response to a question regarding what he thought the General Assembly's priorities would be in balancing the state budget, Senator Newman commented that he thinks the budget will be balanced primarily through the consolidation of agencies.

// The meeting was adjourned at 9:15 a.m.

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Clerk of Council